

REMARKS

Claims 7, 15, 16, and 19 are canceled without prejudice to their continued prosecution in a continuation and/or divisional application.

The amendments to claims 1, 6, 8, and 23 are fully supported by the description in the specification (e.g., page 5, lines 29-31; page 7, line 17 to page 8, line 3; page 9, line 16 to page 10, line 13; etc.).

The amendments to withdrawn claims 20-22 were made for clarification in view of the cancellation without prejudice of their base claim 15.

No new matter has been added. Upon entry of this Response, claims 1, 3, 6, 8, 10-14, and 20-25 are present in the application with claims 8, 12, and 20-22 presently withdrawn as being drawn to non-elected specie.

Request for Personal Interview with Examiner

Unless all of the outstanding grounds of rejection are withdrawn in light of the Amendments and Remarks herein, Applicants respectfully request a personal interview with the Examiner in accordance with MPEP § 713.01 prior to the issuance of any further rejections by the Office.

Claim Rejections – 35 U.S.C. § 112

1. The rejection of claims 15-16 and 19 under 35 U.S.C. § 112, second paragraph as being incomplete for omitting essential elements has been rendered moot by the cancellation without prejudice of these claims. Accordingly, withdrawal of this ground of rejection is respectfully requested.

2. The rejection of claims 1, 3, 6, 10-11, 13-14, and 23-25 under 35 U.S.C. § 112, second paragraph as being incomplete for omitting essential elements has been obviated by amendment.

The recitations of "detecting" in the claimed invention have been clarified by the amendments adopted herewith. The practice of the methods recited in the claimed

invention as presently written are not reliant upon any specific automated hematology analyzer and/or specific settings thereof.

In view of the above, Applicants respectfully submit that the claimed invention as presently written does not omit any essential elements. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

1. The rejection of claims 15-16 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Sakata (*Sysmex Journal International*, 2000, 10, No. 1, 41-46) in view of Houwen *et al.* (U.S. Patent No. 5,830,701), Walters *et al.* (*Laboratory Hematology*, 2000, 6, 83-92), and Ota *et al.* (*Haematologia*, 2000, 30, No. 1, 11-21) has been rendered moot by the cancellation without prejudice of these claims. Accordingly, withdrawal of this ground of rejection is respectfully requested.

2. The rejection of claims 1, 3, 6, 10-11, 13-14, and 23-25 under 35 U.S.C. § 103(a) as being unpatentable over Sakata in view of Houwen *et al.*, Walters *et al.*, and Ota *et al.*, and the rejection of claims 11, 13, and 14 under 35 U.S.C. § 103(a) as being unpatentable over Sakata in view of Houwen *et al.*, Walters *et al.*, Ota *et al.*, and Tomer *et al.* (*Blood*, 1988, 71, No. 5, 1244-1252) have been obviated by amendment.

As presently written, each of independent claims 1 and 23 recites "generating a scattergram from the detected fluorescent light and the detected scattered light, wherein the scattergram comprises a predetermined megakaryocyte region." This combination of elements is neither taught nor suggested by Sakata, Houwen *et al.*, Walters *et al.*, Ota *et al.* and/or Tomer *et al.*, individually or in combination.

Houwen *et al.*—a cornerstone of the rejection of independent claims 1 and 23 set forth in the Final Office Action (page 9, second full paragraph)—is relied upon for its disclosure of the delineation of a hematopoietic progenitor cell (HPC) appearance zone on a scattergram (col. 7, lines 52-55). However, Applicants note that the methods described in Houwen *et al.* are based on electrical resistance methods involving various types of scattered light (col. 7, lines 2-14). In contrast to the claimed invention, Houwen *et al.* is silent with respect to detecting a megakaryocyte using scattered light and fluorescent light.

Moreover, the deficiencies of *Houwen et al.* are not remedied by *Sakata, Walters et al.*, *Ota et al.* and/or *Tomer et al.*, which are likewise silent in this regard.

Thus, inasmuch as *Sakata, Houwen et al., Walters et al., Ota et al.,* and *Tomer et al.*, individually or in combination, fail to teach or suggest each and every element of independent claims 1 and 23 as presently written, Applicants respectfully submit that the claimed invention is neither anticipated by nor would have been obvious in view of these references. Accordingly, withdrawal of these grounds of rejection is respectfully requested.

Conclusion

In view of the Amendment and Remarks set forth above, Applicants respectfully submit that the claimed invention is in condition for allowance. Early notification to such effect is earnestly solicited.

As noted above, if for any reason the Examiner feels that the above Amendment and Remarks do not put the claims in condition to be allowed, it is respectfully requested that the Examiner contact the undersigned agent directly at (312)-321-4257 in order to arrange a personal interview to discuss this case prior to the issuance of any further rejections.

Respectfully submitted,



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